

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL MALOTT,

Plaintiff,

Case No. 1:18-cv-62

v.

HONORABLE PAUL L. MALONEY

LARRY WEAVER, et al.,

Defendants.

/

ORDER ADOPTING REPORT AND RECOMMENDATION

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Remaining Defendants Gary Blow, Derick Carney, and Larry Weaver filed a motion for partial summary judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on August 1, 2019, recommending that this Court grant the motion. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 54) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Partial Summary Judgment (ECF No. 44) is GRANTED. All of Plaintiff's claims, except his retaliation claims against Defendants Weaver and Blow stemming from the November 16, 2016, cell search, are DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith. See *McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

Dated: August 30, 2019

/s/ Paul L. Maloney

Paul L. Maloney
United States District Judge